

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FILED
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2004 OCT -5 A 8:41

PAN AMERICAN AIRWAYS CORP.,

Plaintiff/Counter-Defendant,

v.

ROBERT E. BARNES,

Defendant/Counter-Plaintiff.

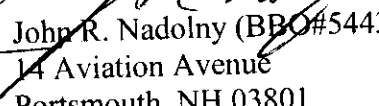
U.S. DISTRICT COURT
DISTRICT OF MASS.

C.A. No. 04-CV-10515-JLT

**PLAINTIFF/COUNTER-DEFENDANT'S REPLY IN
OPPOSITION TO DEFENDANT/COUNTER-PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rules 7 and 56(c) of the Rules of Federal Procedure and Rules 7.1(B) and 56.1 of the Rules of this Court, Plaintiff/Counter-Defendant Pan American Airways Corporation ("Pan Am") hereby replies to the Motion for Partial Summary Judgment as to Counts I and IV of the amended complaint (the "Motion") filed by Defendant/Counter-Plaintiff Robert E. Barnes ("Barnes"). For the reasons set forth in the attached memorandum of law and supporting declaration and exhibit, Pan Am respectfully requests that the Motion be denied.

Respectfully submitted,


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October 4, 2004